

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA



NOTICE TO COUNSEL

The attached **Conference and Scheduling Order** sets a number of important deadlines required by the Federal Rules of Civil Procedure and the Local Civil Rules of the District of South Carolina.

Counsel should carefully review the Order and **note all deadlines on a calendaring system.**

The Local Civil Rules for the District of South Carolina, as well as the forms referenced in this Order, are available on this District's website at:

www.scd.uscourts.gov

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

C.A.No. 0:16-2832-TLW

David Rosbottom, etc.,

Plaintiff,

-versus-

Experian Information Solutions Inc.,

Defendant.

CONFERENCE AND
SCHEDULING ORDER

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case. Discovery may begin upon receipt of this order.

1. A conference of the parties pursuant to Fed. R. Civ. P. 26(f) shall be held no later than October 19, 2016.¹ At conference the parties shall confer concerning all matters set forth in Fed. R. Civ. P. 26(f) and whether the schedule set forth in this order is appropriate and, if not, what modifications are necessary.²
2. No later than November 2, 2016 the required initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be made.³
3. No later than November 2, 2016 the parties shall file a Rule 26(f) Report. Parties are hereby notified that Local Civil Rule 26.03 lists additional queries to be answered in the Rule 26(f) Report.

¹ Plaintiffs counsel shall initiate the scheduling of the Rule 26(f) conference with all counsel known to plaintiff regardless of whether they have filed appearances.

² The parties shall also consider whether they wish to consent to trial before a United States Magistrate Judge. See Notice of Availability of United States Magistrate Judge, available from the Clerk's office or the Court's Internet site at www.scd.uscourts.gov.

³ Pursuant to Fed. R. Civ. P. 26(a)(1), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(1) initial disclosures. If such a stipulation is made, it shall be confirmed in writing between the parties. See Fed. R. Civ. P. 29 and Local Civil Rule 29.01.

4. Motions to join other parties and amend the pleadings (Fed. R. Civ. P. 16(b)(1)) shall be filed no later than November 28, 2016.
5. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel* has been disclosed to other parties by December 28, 2016.

***NOTE: Amendments effective December 1, 2010, impose new disclosure requirements for certain expert witnesses.**

6. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel* has been disclosed to other parties by January 27, 2017.

***NOTE: Amendments effective December 1, 2010, impose new disclosure requirements for certain expert witnesses.**

7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than June 30, 2017. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3).
8. Discovery shall be completed no later than May 18, 2017. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. **No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02.**
9. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before June 2, 2017. (See Fed. R. Civ. P. 16(b)(2)). See below ¶ 12 for motions in limine deadline.
10. Mediation, pursuant to Local Civil Rules 16.04 - 16.12, shall be completed in this case on or before June 30, 2017.⁴ **At least twenty-eight (28) days prior to this**

⁴ Chief Judge Wooten's Standing Order to Conduct Mediation, which sets forth additional mediation requirements applicable to the case, is available at www.scd.uscourts.gov.

mediation deadline (by June 2, 2017), counsel for each party shall file and serve a statement certifying that counsel has:

- (1) provided the party with Chief Judge Wooten's Standing Order to Conduct Mediation referenced in footnote 4;
- (2) discussed the availability of mediation with the party; and
- (3) discussed the advisability and timing of mediation with opposing counsel.⁵

(See Local Civil Rule 16.03).

11. No later than June 30, 2017 the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(4).
12. Motions in limine must be filed at least one week prior to date of trial.
13. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury selection (Local Civil Rule 26.05). Attorneys shall meet at least seven (7) days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. See Local Civil Rule 26.07.
14. This case is subject to being called for jury selection and trial on or after August 1, 2017.

s/Terry L. Wooten
Chief United States District Judge

Dated: September 29, 2016
Columbia, South Carolina

Pursuant to Local Civil Rule 83.I.08, this order is being sent to local counsel only.

⁵ ADR Statement and Certification form is available at www.scd.uscourts.gov.